

Appln. No. 10/053,871

New Attorney Docket No.: 544422000300

COPY

a.) Introductory Comments

RESPONSE TO OFFICE ACTION AND AMENDMENT

In response to the Office Action, mail dated March 11, 2003 (Paper No. 5), applicant respectfully requests entry of the following amendments to the specification and the claims, and reconsideration of the rejections of record in view of applicant's remarks.

COPY**PATENT****DATE: July 11, 2003****New Atty Docket No.: 544422000300****Atty: JR/VV****Applicant: James D. THACKER****Application No.: 10/053,871****Client: GeneBact****Mark: RAPID METHOD FOR MICORBIAL TYPING AND ENUMERATION**

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon::

- ☒ Fee Transmittal w/ authorization to charge \$55 Extension Fee, \$55 Terminal Disclaimer Fee and \$81 additional claims fees to Deposit Account No. 03-1952;
- ☒ Request for One Month Extension of Time and Response to Office Action and Amendment;
- ☒ Corrected Drawings, Figs. 1-5; and
- ☒ Terminal Disclaimer (2 pp.).

**DOCKETED**

Approved through 04/30/2003, OMB 0651-0032
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 191

Complete if Known

Application Number 10/053,871
Filing Date January 24, 2002
First Named Inventor James D. THACKER
Examiner Name Jana A. Hines
Group / Art Unit 1645
Attorney Docket No. 544422000300

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit Account Number 03-1952
Deposit Account Name Morrison & Foerster LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES

Total Claims	44	-36 **	=	9	X	9	=	81
Independent Claims	4	-4 **	=	0	X		=	0
Multiple Dependent					X		=	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 81

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	55
1252	410	2252	205	Extension for reply within second month	
1253	930	2253	465	Extension for reply within third month	
1254	1,450	2254	725	Extension for reply within fourth month	
1255	1,970	2255	985	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt.	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Terminal Disclaimer					55
SUBTOTAL (3)					(\$) 110

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 110

SUBMITTED BY

Name (Print/Type)	James Romerick	Registration No./Attorney/Agent	36,902	Telephone	(703) 760-7700
Signature				Date	July 11, 2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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MORRISON & FOERSTER LLP

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Examiner Jane A. Hines USPTO, GAU 1645	(703) 308-4242	(703) 305-0487

FROM: James Remenick**DATE:** September 11, 2003

Number of pages with cover page:	24
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Comments:

RE: U.S. Patent Application No. 10/053,871
Filed: January 24, 2002
Applicant: James D. THACKER
Title: Rapid Method for Microbial Typing and Enumeration
Atty. Docket No.: 544422000300

Examiner Hines: I have enclosed a complete copy of the filing from July 11, 2003, including the PTO date-stamped receipt. Please do not hesitate to contact me if I can be of further assistance.

Jim Remenick

MORRISON & FOERSTER LLP

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To:

NAME:	FACSIMILE:	TELEPHONE:
Examiner Ja-Na Hines USPTO, GAU 1645	(703) 872-9306	(571) 272-0859

FROM: James Remenick**DATE:** March 3, 2004

Number of pages with cover page:	25	54442-20003.00 10118
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Comments:

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